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70243

7590

02/16/2010

NIXON PEABODY LLP  
300 S. Riverside Plaza  
16th Floor  
CHICAGO, IL 60606

EXAMINER

KIM, ANDREW

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 02/16/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/757,151	01/14/2004	Michael P. Casey	247079-00029USPT	3165

TITLE OF INVENTION: GAMING MACHINE HAVING A SHUFFLE FEATURE AND A SIMULTANEOUS MULTIPLE AWARD FEATURE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/17/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

## HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER:** Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

# **PART B - FEE(S) TRANSMITTAL**

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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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70243 7590 02/16/2010  
**NIXON PEABODY LLP**  
**300 S. Riverside Plaza**  
**16th Floor**  
**CHICAGO, IL 60606**

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
107/757,151	01/14/2004	Michael P. Casey	247079-000292USPT	3165

**TITLE OF INVENTION:** GAMING MACHINE HAVING A SHUFFLE FEATURE AND A SIMULTANEOUS MULTIPLE AWARD FEATURE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	05/17/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
KIM, ANDREW	3714	463-016000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_  
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 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee  
☐ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_ Date \_\_\_\_\_  
 Typed or printed name \_\_\_\_\_ Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/757,151	01/14/2004	Michael P. Casey	247079-00029USPT	3165
70243	7590	02/16/2010	EXAMINER	
NIXON PEABODY LLP 300 S. Riverside Plaza 16th Floor CHICAGO, IL 60606			KIM, ANDREW	
			ART UNIT	PAPER NUMBER
			3714	
DATE MAILED: 02/16/2010				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 774 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 774 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability****Application No.**

10/757,151

**Examiner**

ANDREW KIM

**Applicant(s)**

CASEY ET AL.

**Art Unit**

3714

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/23/09.
2. ☒ The allowed claim(s) is/are 22,24,26-33,36-43 and 46-48.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.  
**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art Unit 3714

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sorinel Cimpoes on 2/6/10.

The application has been amended as follows:

1-21. (Cancelled)

22. (Currently Amended) A method of conducting a wagering game on a gaming machine controlled by at least one processor ~~a controller~~ in response to a wager, the method comprising:

displaying on a display device of the gaming machine, an assemblage of

selectable tiles that conceal an associated plurality of icons, the plurality

of icons including a plurality of game-theme icons and a wild icon;

receiving successive selections of the tiles;

selectively revealing, by the at least one processor, a first group of related game-

theme icons associated with the selected tiles, the first group including at

least two first tiles from the assemblage of selectable tiles, each of the

first tiles having a first game-theme icon, the first game-theme icon from one of the first tiles matching the first game-theme icon from another one of the first tiles;

selectively revealing, by the at least one processor, a second group of related game-theme icons associated with the selected tiles, the second group being different from the first group, the second group including at least two second tiles from the assemblage of selectable tiles, each of the second tiles having a second game-theme icon, the second game-theme icon from one of the second tiles matching the second game-theme icon from another one of the second two tiles, the second game-theme icon being different than the first game-theme icon;

selectively revealing, by the at least one processor, the wild icon associated with the selected tiles after revealing the first group and the second group; and in response to revealing the wild icon, simultaneously awarding, by the at least one processor, a first award and a second award, the first award being based on the at least two first tiles of the first group, the second award being based on the at least two second tiles of the second group.

23. (Cancelled)

24. (Currently Amended) The method of claim 22 23, further including displaying a legend adjacent to the assemblage of selectable tiles, the legend displaying a plurality

of matches and respective awards, each of the plurality of matches including a plurality of related game-theme icons.

25. (Cancelled)

26. (Original) The method of claim 22, further including displaying a base wagering game including a plurality of possible randomly-selected outcomes, at least one of the possible outcomes being a bonus game triggering event causing the assemblage of selectable tiles to be displayed.

27. (Original) The method of claim 26, wherein the base wagering game includes a plurality of symbol-bearing reels that are rotated and stopped to place symbols on the reels in a reel symbol array, and wherein the bonus game triggering event includes a predetermined arrangement of selected symbols on the stopped reels.

28. (Original) The method of claim 27, wherein the first award comprises a first number of free reel spins, and wherein the second award comprises a second number of free reel spins.

29. (Original) The method of claim 28, further comprising multiplying a credit amount associated with a winning outcome of at least one of the first number of free reel spins by a first randomly generated number, and multiplying a credit amount associated with a

winning outcome of at least one of the second number of free spins by a second randomly generated number.

30. (Original) The method of claim 22, wherein the gaming machine comprises a video slot machine, and wherein displaying the assemblage of selectable tiles includes displaying a video generated assemblage of selectable tiles.

31. (Original) The method of claim 22, wherein the gaming machine comprises an adaptable mechanical spinning reel slot machine including a plurality of electro-mechanical reels having a plurality of reels symbols displayed thereon, and wherein displaying the assemblage of selectable tiles includes displaying a video generated assemblage of selectable tiles provided by a flat panel transmissive display configured to overlay the assemblage of selectable tiles upon a portion of the plurality of electro-mechanical reels.

32. (Original) The method of claim 22, wherein the first award comprises a first credit amount, and wherein the second award comprises a second credit amount.

33. (Currently Amended) A gaming machine controlled by at least one processor a ~~controller~~ in response to a wager, the gaming machine ~~comprising~~ comprising a display device for displaying a simultaneous multiple award feature indicated ~~on a display device~~, the display device initially displaying an assemblage of selectable



tiles that conceal a plurality of icons, the tiles being successively selected revealing a first group of related game-theme icons and revealing a second group of related game-theme icons and revealing a wild icon after revealing the first group and the second group, the first group including at least two first tiles from the assemblage of selectable tiles, each of the two first tiles having a first game-theme icon, the first game-theme icon from one of the first tiles matching the first game-theme icon from another one of the first tiles, the second group including at least two second tiles from the assemblage of selectable tiles, each of the second tiles having a second game-theme icon, the second game-theme icon from one of the second tiles matching the second game-theme icon from another one of the second two tiles, the at least two first tiles of the first group being mutually exclusive of the at least two second tiles of the second group; ~~group;~~

the at least one processor being coupled to the display device and operative to simultaneously award, in response to revealing the wild icon, ~~the simultaneous multiple award feature simultaneously awarding~~ a first award based upon the first group and ~~awarding~~ a second award based upon the second group, the first award being based on the at least two first tiles of the first group, the second award being based on the at least two second tiles of the second group.

36. (Original) The gaming machine of claim 33, wherein the display device comprises a video display.

37. (Original) The gaming machine of claim 33, further comprising a base wagering game including a plurality of possible base wagering game outcomes, at least one of the plurality of possible base wagering game outcomes being an event triggering the assemblage of selectable tiles to be displayed.

38. (Original) The gaming machine of claim 37, wherein the gaming machine comprises a slot machine having a plurality of symbol-bearing reels that are rotated and stopped to place symbols on the reels in a symbol array, and wherein the event includes a predetermined arrangement of selected symbols on the stopped reels.

39. (Original) The gaming machine of claim 38, wherein the plurality of symbol-bearing reels comprises a plurality of electro-mechanical symbol-bearing reels, and wherein the display device comprises a flat panel transmissive display configured to overlay the assemblage of selectable tiles upon a portion of the plurality of electro-mechanical symbol-bearing reels.

40. (Original) The gaming machine of claim 38, wherein the first award comprises a first number of free reel spins, and wherein the second award comprises a second number of free reel spins.

41. (Original) The gaming machine of claim 40, further comprising multiplying a credit amount associated with a winning outcome of at least one of the first number of free reel spins and at least one of the second number of free spins by a randomly generated number.

42. (Original) The gaming machine of claim 33, wherein the assemblage of selectable tiles is arranged as a matrix having multiple rows and columns.

43. (Currently Amended) A method having a simultaneous multiple award feature for a gaming machine controlled by at least one processor, the method comprising: a ~~controller, the simultaneous multiple award feature being indicated on a display device, the simultaneous multiple award feature comprising:~~

displaying on a display device of the gaming machine the simultaneous multiple

award feature, the simultaneous multiple award feature having a player

selection stage and a bonus stage, the a player selection stage including

includes an assemblage of selectable tiles that conceal a plurality of

icons; icons;

selectively selecting the tiles ~~being successively selected~~ to reveal respective

icons until a tile revealing a wild icon is selected that produces a multiple

award outcome, the player selection stage including selectively selecting

a first group of tiles and a second group of tiles, the first group including at

least two first tiles from the assemblage of selectable tiles, each of the first tiles having a first game-theme icon, the first game-theme icon from one of the first tiles matching the first game-theme icon from another one of the first tiles, the second group including at least two second tiles from the assemblage of selectable tiles, each of the second tiles having a second game-theme icon, the second game-theme icon being different than the first game-theme icon, the second game-theme icon from one of the second tiles matching the second game-theme icon from another one of the second two tiles; ~~tiles~~,

in response to revealing the wild icon, simultaneously awarding by the at least one processor the multiple award outcome including a first award and a second award, the first award being based on the at least two first tiles of the first group, the second award being based on the at least two second tiles of the second group; and

triggering the bonus stage in response to the multiple award outcome, a bonus stage triggered by the multiple award outcome, each award of the multiple award outcome generated in the player selection stage earning the player an opportunity to win a respective bonus in the bonus stage.

46. (Currently Amended) The method ~~simultaneous multiple award feature~~ of claim 43, wherein each award is associated with a predetermined number of free spins of reels of a slot gaming machine.

47. (Currently Amended) The method ~~simultaneous multiple award feature~~ of claim 46, further comprising multiplying a credit amount associated with a winning outcome of at least one of the predetermined number of free spins by a randomly generated number.

48. (Currently Amended) The method ~~simultaneous multiple award feature~~ of claim 43, wherein the display device comprises a video display.

The following is an examiner's statement of reasons for allowance: A thorough search for prior art fails to disclose any reference or references, which taken alone or in combination, teach or suggest, in combination with the other limitations, "simultaneously awarding...a first award and a second award," in combination with "the second game-theme icon being different than the first game-theme icon" in combination with "selectively revealing, by the at least one processor, a first group of related game-theme icons associated with the selected tiles," and "a second group of related game-theme icons."

The closest prior art is Gilmore et al. (US 6,347,996). Gilmore discloses a bonus feature in which a player may selectively reveal tiles and its associated icons. A player

may select three tiles that have matching icons and be awarded. When a player reveals a wild icon, however, if the player has already revealed two matching icons, the wild also automatically selects the third matching tile with associated icon. However, Gilmore structurally and functionally lacks the means for simultaneously awarding a first award and a second award when the icons from the first group are different than the icons of the second group. For at least these reasons, claims 22, 33, 43 and the claims dependent thereon are allowed over Gilmore or any other prior art of record, taken alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KIM whose telephone number is (571)272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry. Suhol/  
Supervisory Patent Examiner, Art  
Unit 3714

2/16/2010 /A. K./  
Examiner, Art Unit 3714